

Liber
C & W H

An Act For Succession to Goods

Be it Enacted By the Lord Proprietary of this Province of and with the advice and approbation of the Freemen of the same That all Wills and Testaments made & published or to be made or published by any persons within this Province (and not afore proved) Shall be exhibited and proved by and before the Secretary of the province for the time being (or in want or absence of a Secretary) by any one of the Councill thereunto authorised or deputed by the said Secretary or by the
 p. 35 Leiutenant Generall) who Shall have power by Vertue of this Act to keep a Record and to use a lesser Seal for probates and other matters perteing to his Office and to convent or cite any witness or other persons by processe out of the Chancery, to take recognisances to administer an oath or oaths to any parties or witnesses to determine touching the Validity or in Validity of Testaments and to do all other things necessary for such probate and for the makeing of Inventaries takeing of accompts and giving of discharges of full Administration and for the recording the same

And where any person dieth intestate or in the nature of intestate the said Secretary or the Deputy as afore Shall committ the Administracōn of the intestates goods to the widdow of the Deceased (if there be any liveing within the province) and if there be none or that the Widdow refuse it then to the eldest Son or otherwise the eldest Daughter of the deceased (if there be any Capeable of that charge liveing within the province) and if there be none or that such eldest child refuse it then to the eldest brother or sister of the deceased intestate capeable thereof liveing within the province and if there be none or that such Brother or Sister refuse it then to the neerest of kinne capeable thereof liveing within the province and if there be none or that such neerest of kinne refuse it then to the greatest Creditor of the deceased clayming or accepting thereof

Provided that if the partie to whom the Administration is due by Vertue of this Act be in these parts at the time of the decease of such intestate partie and absent from S^t Maries such partie to whom the Administration is due shall be expected for two months to clayme and take the administration
 p. 36 and in the mean time the said Secretary or his Deputie shall take such order for saveing and preserveing of the deceaseds goods as to him shall seem most expedient

And further provided that where any one haveing right to the administration as aforesaid shall not undertake well and truely to Satisfie all the due debts of the deceased to all Creditors liveing within the province then no appraisement shall be made of any goods of the deceased neither Shall any